UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

RICARDO ORTIZ, et al.,

                                        Plaintiffs,

                    -against-

ESKINA 214 CORP., et al.,

                                        Defendants.

21-CV-01537 (ALC) (KHP)

ORDER ADOPTING REPORT
AND RECOMMENDATION

ANDREW L. CARTER, JR., District Judge:

On May 7, 2021, this matter was referred to United States Magistrate Judge Katharine H. Parker for general pretrial supervision. ECF No. 21. The Court now considers the Report and Recommendation issued by Magistrate Judge Parker on December 4, 2023, recommending that (1) Named Plaintiffs Ricardo Ortiz, Henry Flores, and Mario Flores be dismissed from this action pursuant to Fed. R. of Civ. P. 41(b) for failure to prosecute the case and failure to follow Court orders; and (2) following the dismissal of the Named Plaintiffs, the action should be discontinued in light of the Opt-In Plaintiffs' acceptance of Defendant's Offer of Judgement, ECF No. 154, which was entered on November 29, 2023, ECF No. 156. ECF No. 158.
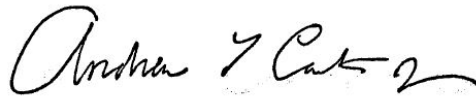
Despite notification of the right to object to the Report and Recommendation, the parties filed no objections. Where no timely objections are made, the Court may adopt the Report and Recommendation as long as there is no clear error on the face of the record. *Sacks v. Gandhi Eng'g, Inc.*, 999 F. Supp. 2d 629, 632 (S.D.N.Y. 2014) (citing *Wilds v. United Parcel Serv.*, 262 F.Supp.2d 163, 169 (S.D.N.Y. 2003)). In light of the lack of any objections to the Report and Recommendation and the fact that Court finds no clear error in the record, the Court adopts the Report and Recommendation in its entirety.

1

For the reasons stated in the Report and Recommendation at ECF No. 158, (1) Named

Plaintiffs are **DISMISSED** under Rule 41(b), and (2) this action is **DISCONTINUED** in light of

the Opt-In Plaintiffs' acceptance of Defendant's Offer of Judgement.

The Clerk of the Court is respectfully directed to terminate this case.

SO ORDERED.

Dated: **January 4, 2024**
              New York, New York   **ANDREW L. CARTER, JR.**
                                                      United States District Judge